

TITLE 326 AIR POLLUTION CONTROL DIVISION

Rule Information Sheet

State Sulfur Dioxide and Porter County Ozone Designations
LSA Document #21-515

Overview

Indiana's attainment status tables at 326 IAC 1-4 are periodically updated to reflect each county's attainment status. This rulemaking updates the attainment designation status for ninety of Indiana's ninety-two counties for sulfur dioxide (SO₂) to accurately reflect the federal language used in the Code of Federal Regulations (CFR) at 40 CFR 81.315. This rulemaking also updates the designation status of Porter County under the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS) based on the final rule published by U.S. EPA in the Federal Register (FR) on June 14, 2021 (86 FR 31438). In order to avoid conflict with ongoing litigation concerning a challenge to the designation status for several townships in Huntington County, the rule language differs from what is currently reflected in 40 CFR 81.315 and will be updated, if necessary, once the challenge is resolved.

This rule was recalled on March 20, 2022, due to an administrative error identified in the promulgation package by the Attorney General's office. The Section 8 Notice as published in the Indiana Register was unintentionally omitted from the February 9, 2022, board packet. The Section 8 Notice contains the Findings of the Commissioner, which are required to be presented to the board before final adoption. Therefore, this rule is being presented again for final adoption with the Section 8 Notice included in this board packet.

Affected Persons

Sources located in any one of the ninety Indiana counties being updated for SO₂ in this rulemaking that are subject to the federal NAAQS, as well as sources in Porter County that are regulated under the 2015 8-hour ozone NAAQS.

Reasons for the Rule

This rule is a technical amendment to ninety counties in Indiana's attainment designation status tables for SO₂ and Porter County for the 2015 8-hour ozone standard to ensure that state rules are consistent with federal standards.

Economic Impact of the Rule

Because this rule is only a technical amendment to the state's attainment designation status tables, this rule has no economic impact beyond that already imposed by the federal law.

Scheduled Board Action and Hearings

Public Hearing: June 8, 2022, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Room A, Indianapolis, Indiana.

The public may attend the ERB meeting in person or join by using the following Zoom link, meeting ID, and passcode, or telephone numbers that can be found prior to the meeting at: <https://events.in.gov/idem>.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, at kwash@idem.in.gov, (317) 232-8229, (800) 451-6027 (in Indiana), or kwash@idem.in.gov.